

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1453 of 2015 (O&M)
Date of decision: 28.1.2015

Lady Constable Ajit Kaur

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Shashi Kant Gupta, Advocate for
Mr. L. M. Gulati, Advocate for the petitioner.

...

Rajesh Bindal J.

The petitioner, who was recruited as Lady Constable in Punjab Police on 3.3.1988, has filed the present petition seeking quashing of her termination, if any. According to the petitioner, as no termination order has been supplied, the same could not be placed on record.

Learned counsel for the petitioner submitted that the petitioner was recruited as Lady Constable, she joined her service on 3.3.1988. She took leave from 20.2.1993 to 19.3.1993 for her marriage. Thereafter, she took one month leave w.e.f. 20.12.1996. Her work and conduct during the period she served was satisfactory. As her husband was living abroad, she went there for some time, however, when she came back, she was not permitted to join. Even salary had also not been paid. A representation was made on 18.9.2014 for the purpose. However, even that has not been responded to. Neither order of termination has been supplied nor the petitioner was afforded any opportunity of hearing before terminating her services.

After hearing learned counsel for the petitioner, I do not find any reason to interfere in the present petition. The admitted facts on record are that the petitioner, who joined as Lady Constable on 3.3.1988, is absent from duty from 19.1.1997 onwards. Her husband is living abroad. She comes to India more than 17 years thereafter and files representation dated 18.9.2014 seeking permission to join duty and if terminated, reinstatement in service with all consequential benefits. The grievance was also raised regarding non-payment of salary for certain period. However, at the time of hearing, learned counsel for the petitioner did not dispute the fact that for the period the petitioner served the department, she had been paid the salary. Meaning thereby, no salary as such is due to the petitioner.

Seeking reinstatement in service and permission to join back, after remaining absent from duty for more than 17 years and living abroad after marriage, is the relief, which the petitioner is seeking. Considering the conduct of the petitioner, in my opinion, she is not entitled to that relief. Even on the asking of the court as to what is the possible explanation of the petitioner for being absent from duty for 17 years continuously and living abroad, without even filing any application for leave, there was none and even if an opportunity would have been afforded to the petitioner, there was no possible explanation for being absent for so long. The conduct of the petitioner and the relief sought to be claimed in the present petition by filing the representation is like having the cake and eating it too. Once the petitioner had gone abroad during service, she cannot be permitted to come back as per her own convenience and seek reinstatement in service. The petitioner was a member of disciplined force. Such type of conduct, namely, unauthorised absence from duty continuously for a period of 17 years cannot be ignored or condoned. The petitioner has no right to remain in service or seek any other benefit of the service already rendered by her.

For the reasons mentioned above, the present petition is dismissed.

Before parting with the order, the Director General of Police, Punjab is directed to take action in all similar cases where the police officials/officers have been long absenting from duty without any intimation

to the department only with a view to come back on some fine morning and then seek benefits of service and reinstatement.

(Rajesh Bindal)
Judge

28.1.2015
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